

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)

Prospect North, L.L.C.)

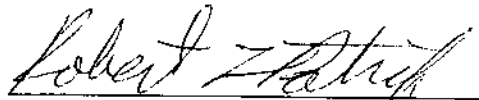
Docket No. CWA-07-2003-0292

Respondent)
_____)

ORDER AUTHORIZING FACSIMILE FILING

Pursuant to 40 C.F.R. §22.5(a)(1), facsimile filing of the telefaxed signature page (page 4) of the Consent Agreement and Final Order in this proceeding is hereby authorized.

Dated: Apr. 1, 2004



Robert L. Patrick
Regional Judicial Officer

IN THE MATTER OF Prospect North, L.L.C., Respondent
Docket No. CWA-07-2003-0292

CERTIFICATE OF SERVICE

I certify that the foregoing Order Authorizing Facsimile Filing was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Liz Huston
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

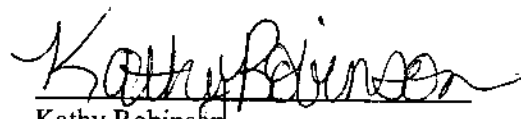
Copy by Certified Mail Return Receipt to:

Patrick L. Dunn
DUNN KELLER GILLESPIE & LATZ, L.C.
406 Plaza Center Building
800 West 47th Street
Kansas City, Missouri 64112-1246

Copy by Facsimile and
First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

Dated: 4/1/04


Kathy Robinson
Regional Hearing Clerk

ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF

Prospect North L.L.C.
Renaissance in the Northland
Kansas City, Missouri

Respondent

Proceedings under Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

1

II. CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this Consent Agreement and the Final Order set forth below.
2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.
3. Respondent agrees not to contest the terms and conditions set forth in this CAFO in this or subsequent proceedings to enforce the terms of this CAFO, and agrees not to appeal the Final Order set forth below.
4. Respondent explicitly waives its right to a hearing on any issue of fact or law set forth in the Complaint.
5. EPA has considered the appropriateness of the penalty pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and has determined that the appropriate penalty for settlement of the violations set forth in the Complaint is Thirty-five Thousand Two hundred and Seventeen Dollars (\$35,217). Payment of this penalty shall satisfy all claims arising out of the facts alleged in the Complaint. Payment shall be paid according to the schedule established in the Final Order.
6. Respondent consents to the issuance of the Order hereinafter recited and consents to the payment of the civil penalty as set forth in the Final Order.
7. Respondent's failure to pay the civil penalty assessed herein in accordance with the provisions of this Order may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs and interest thereon at the applicable statutory rate. Respondent agrees that a failure to submit any of the required payments by the respective due date will result in the entire remaining balance becoming immediately due and payable, along with any costs, handling charges, penalties, and accumulated interest.
8. Respondent and EPA each agree to bear their own costs and attorneys' fees.
9. Each signatory of this CAFO certifies he or she is fully authorized to enter into the terms of the CAFO.
10. Respondent certifies by the signing of this CAFO that it is in compliance with the requirements of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

III. FINAL ORDER

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Thirty-five Thousand Two hundred and Seventeen Dollars (\$35,217) to be paid in six equal installments of Five Thousand Eight Hundred Sixty-Nine Dollars and Fifty cents (\$5,869.50). The first installment shall be paid within thirty (30) days of receipt of a copy of this fully executed CAFO. The subsequent five installments shall be paid monthly following payment of the initial installment. Payment shall be by cashier's or certified check, made payable to "Treasurer, United States of America," and referencing EPA Docket No. CWA-07-2003-0292, and remitted to:

EPA - Region VII
Attn.: Regional Hearing Clerk
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

Copies of the check shall be mailed to:

Liz Huston
Assistant Regional Counsel
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

and

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

2. Compliance with the terms of this CAFO satisfies all claims arising out of the facts alleged in the Complaint. This CAFO shall terminate after satisfaction by Respondent of the requirements of this Final Order.

3. This executed CAFO shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

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FAX NO.

P. 02

Apr 01 04 02:30p


Team Renaissance

816-891-9521

P. 1

In the Matter of:
Prospect North L.L.C.
Consent Agreement/Final Order

For the Respondent:


Prospect North, L.L.C.
By: Kurt Degenhardt
Title: Manager

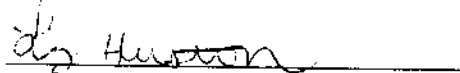
Date

3-31-04

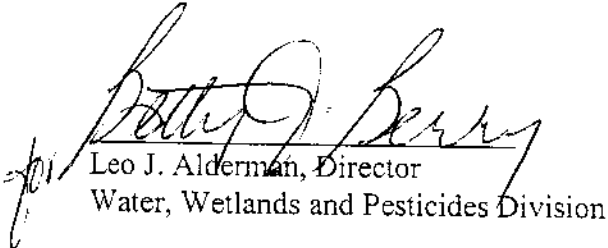
In the Matter of:
Prospect North L.L.C.
Consent Agreement/Final Order

For the Complainant:

The United States Environmental Protection Agency

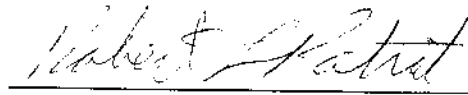

Liz Huston
Assistant Regional Counsel

3/31/04
Date


Leo J. Alderman, Director
Water, Wetlands and Pesticides Division

03/31/04
Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.


Robert Patrick
Regional Judicial Officer

April 1, 2004
Date

IN THE MATTER OF Prospect North, L.L.C., Respondent
Docket No. CWA-07-2003-0292

CERTIFICATE OF SERVICE

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Dated: 4/1/04



Kathy Robinson
Regional Hearing Clerk